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OUR FILE NUMBER  
857-063

September 2, 2009

**VIA OVERNIGHT MAIL**

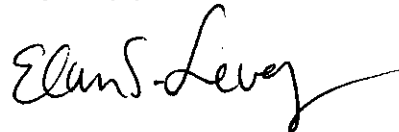
Honorable Kevin R. Huennekens  
United States Bankruptcy Court  
Eastern District – Richmond Division  
701 East Broad Street,  
Richmond, VA, 23219-1888

Attention: Clerk of the Court  
Re: *In re Circuit City Stores, Inc., et al.*  
United States Bankruptcy Court - Case No. 08-35653 (KRH)  
Eastern District of Virginia – Richmond Division

Dear Clerk of the Court:

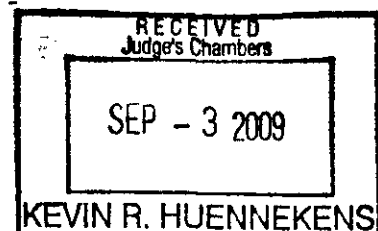
Please find enclosed the following document: **PRELIMINARY RESPONSE OF 1251 FOURTH STREET INVESTORS LLC AND BEVERLY GEMINI INVESTMENTS, LLC TO DEBTORS' THIRTY-FIFTH OMNIBUS OBJECTION TO CLAIMS (DISALLOWANCE OF [I] CERTAIN AMENDED CLAIMS; AND [II] CERTAIN DUPLICATE CLAIMS)** for filing and entry on the docket of the above referenced matter.

Very truly yours,



ELAN S. LEVEY  
Levinson Arshonsky & Kurtz, LLP

ESL/lm-g  
Enclosure



**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

**In re**

**CIRCUIT CITY STORES, INC., et al.,**

**Debtors.**

**Chapter 11**

**Case No. 08-35653 (KRH)**

**(Jointly Administered)**

**PRELIMINARY RESPONSE OF 1251 FOURTH STREET INVESTORS LLC  
AND BEVERLY GEMINI INVESTMENTS, LLC TO DEBTORS' THIRTY-  
FIFTH OMNIBUS OBJECTION TO CLAIMS (DISALLOWANCE OF  
(I) CERTAIN AMENDED CLAIMS; AND (II) CERTAIN DUPLICATE CLAIMS)**

1251 Fourth Street Investors LLC and Beverly Gemini Investments, LLC (collectively, the "Landlord") hereby files its Preliminary Response ("Response") to the Debtors' Thirty-Fifth Omnibus Objection to Claims (Disallowance of (I) Certain Amended Claims; and (II) Certain Duplicate Claims) (the "Claim Objection").

**PRELIMINARY RESPONSE**

The Landlord hereby responds to the Debtors' Claim Objection on the following grounds. Briefly stated, the Claim Objection seeks to *disallow* Landlord's Claim Number 9270 filed in the Circuit City Stores, Inc. case (08-35653) in the amount of \$2,234,942.29 and to *allow* Landlord's Claim Number 12461 filed in the Circuit City Stores, Inc. case (08-35653) in the amount of \$2,468,704.69, on the grounds that Landlord's Claim Number 9270 was amended by the filing of its subsequent Claim Number 12461.

The Landlord agrees that said claims are partially duplicative and requests the following relief:

Claim Number 9270: Landlord agrees to withdraw the portion of said claim consisting of \$2,280,032.45 (representing damages sought pursuant to 11 U.S.C. § 502(B)(6)(A)), leaving a remaining claim balance of **\$54,909.84** representing, among other things, its pre-petition claim for unpaid rent, property taxes and attorneys' fees and costs, as set forth therein.

Claim Number 12461: This claim shall remain the same as it consists of Landlord's damages sought pursuant to 11 U.S.C. § 502(B)(6)(A).

Consistent with the Notice of the Claim Objection, copies of the Landlord's Claims are intentionally not attached hereto.

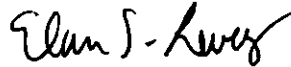
Accordingly, upon the limited basis set forth herein, the Landlord objects to the relief sought by the Debtors' Claim Objection as it will prejudice the Landlord's rights to distribution based upon its underlying lease claims.

Further, the Landlord hereby reserves all rights to supplement this Response at a later date, to the extent so necessary.

The Landlord further seeks all other appropriate relief.

DATED: September 2, 2009

**LEVINSON, ARSHONSKY & KURTZ, LLP**



/s/ Elan S. Levey

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**CERTIFICATE OF SERVICE**

I, Linda Greenstein, do hereby certify that a true and correct copy of the document:  
***PRELIMINARY RESPONSE OF 1251 FOURTH STREET INVESTORS LLC AND BEVERLY GEMINI INVESTMENTS, LLC TO DEBTORS' THIRTY-FIFTH OMNIBUS OBJECTION TO CLAIMS (DISALLOWANCE OF (I) CERTAIN AMENDED CLAIMS; AND (II) CERTAIN DUPLICATE CLAIMS)*** was served upon the parties listed below via pre-paid overnight mail, U.S. mail and Express Mail.

Judge's Copy via Overnight Mail (Federal Express)

Honorable Kevin R. Huennekens  
United States Bankruptcy Court  
Eastern District – Richmond Division  
701 East Broad Street,  
Richmond, VA, 23219-1888

Following Parties all served via U.S. Mail:

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*Counsel for the Debtors*

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Following Parties served via U.S. Mail (cont.)

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*Counsel for the Creditors' Committee*

Dated: September 2, 2009

  
Linda Greenstein